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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN RE VALESKA SIGREN
BINDHOFF,

Petitioner.

Case No.: 2:24-CV-07388

***EX PARTE* APPLICATION
FOR AN ORDER PURSUANT
TO 28 U.S.C. § 1782 TO
CONDUCT DISCOVERY FOR
USE IN A FOREIGN
PROCEEDING**

Petitioner, VALESKA SIGREN BINDHOFF (“**Petitioner**”), respectfully asks this Court to grant the Order attached as Exhibit A to this Application, which grants Petitioner leave, pursuant to 28 U.S.C. § 1782 and Rules 26 and 45 of the Federal Rules of Civil Procedure, to serve upon ANDRÉ PAUL BOISSIER (“**AB**”), the subpoenas attached as Exhibit B(1) and B(2) to this Application.

The requested relief is key for the purpose of obtaining limited, but necessary, discovery in connection with a contemplated civil proceeding for damages in Switzerland (the “**Contemplated Swiss Proceeding**”) which Petitioner intends to bring against Banque Lombard Odier & Cie S.A. (“**Lombard Odier**”), a private Swiss bank headquartered in Geneva, Switzerland. The Court should grant this Application *ex parte* based upon the Declaration of Tomas Leonard and Memorandum of Law filed concurrently herewith.

A. The Contemplated Swiss Proceeding

The Contemplated Swiss Proceeding involves claims for monetary damages arising from the unlawful sequestration of an account Petitioner held at Lombard Odier jointly (the “**Joint Account**”) with her late husband, Mr. Jean-Jacques Boissier (“**JBB**”). After JBB’s passing in November of 2021, Lombard Odier unilaterally embargoed Petitioner’s share of the Joint Account and has refused to return those assets to Petitioner, even after a Swiss appellate court ruled with finality that Petitioner’s share of the Joint Account “rightfully belongs to her.” Lombard Odier has also misappropriated distributions from two separate trusts, the Valbois Trust and the Debois Trust (jointly, the “**Trusts**”) belonging solely to Petitioner, all of which have apparently been hamstrung by AB and his siblings, as heirs to JBB’s estate.

Lombard Odier’s conduct is patently unlawful and actionable in several respects under Swiss law. Petitioner intends to pursue new claims against the Bank for monetary damages against Lombard, including: (i) claims for monetary damages under Articles 97, 150 and 398 of the Swiss Code of Obligations due to Lombard Odier’s mismanagement and intentional failure to transfer Petitioner’s portions of the

1 Joint Account, in derogation of its fiduciary duties owed to Petitioner, as well as (ii)
2 claims for restitution and monetary damages arising from Lombard Odier's unlawful
3 misappropriation of approximately \$530,000 in Trust distributions following JJB's
4 death. Petitioner has already retained the services of Swiss counsel to assist in this
5 matter and is informed that any discovery received in the United States will be
6 admissible in a Swiss court.

7 **B. The Documents and Testimony Sought**

8 AB is the person to be subpoenaed for documents and testimony which
9 Petitioner plans to use in the Contemplated Swiss Proceeding. AB resides in this
10 District at 270 18th St., Santa Monica, California 90402. Specifically, Petitioner seeks
11 the following documents from AB, from November 8, 2021, until present:

- 12 1. Documents between or involving AB and any employee, officer, or director
13 at Lombard Odier, including all emails with the handle
14 "@lombardodier.com," sufficient to show the scope and contents of
15 communications regarding Joint Account, Petitioner, and/or the Valbois and
16 Debois Distributions.
- 17 2. Documents between or involving AB and Marc Genet¹ sufficient to show
18 the scope and contents of communications regarding the Joint Account,
19 Petitioner, and/or the Valbois and Debois Distributions.
- 20 3. Documents between or involving AB and Emma Lombardini, Carlo
21 Lombardini, or any other member of the law firm Poncet Turrettini Avocats
22 (counsel to Lombard Odier in the Swiss Proceedings) with the email handle
23 "@ptan.ch," sufficient to show the scope and contents of communications
24 regarding the Joint Account, Petitioner, and/or the Valbois and Debois
25 Distributions.

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¹ The former – now retired – director at Lombard Odier and account executive for the Joint Account.

1 4. Documents between AB and David Roach sufficient to show the
2 scope and contents of communications regarding the Joint Account and/or
3 Petitioner's claim to the Joint Account.

4 5. Documents between AB and his sister, Natasha Boissier, and/or his brother,
5 Sergei Boissier, sufficient to show the scope and contents of
6 communications regarding the Joint Account and/or Petitioner's claim to the
7 Joint Account.

8 Petitioner further seeks sworn testimony from AB regarding his relationship
9 with the officers, directors and/or employees at Lombard Odier; the nature and extent
10 of his communications with Lombard Odier personnel and/or Lombard Odier's
11 outside counsel in relation to the Joint Account and Valbois and Debois
12 Distributions; and AB's exchanges with his siblings and/or David Roach concerning
13 each of the foregoing matters.

14 **C. Petitioner's Application Should be Granted**

15 Petitioner meets all of the statutory criteria for the issuance of an order
16 allowing the requested discovery under 28 U.S.C. § 1782.

17 AB resides in this District at 270 18th St., Santa Monica, CA 90402. Petitioner
18 is an interested party in the Contemplated Swiss Proceeding because she will be the
19 filing party there. Additionally, as set forth in more detail in the accompanying
20 Memorandum of Law and Declaration of Tomas Leonard (and exhibits thereto), the
21 documents and sworn testimony sought from AB will aid Petitioner in the
22 Contemplated Swiss Proceeding because they will shed light on Lombard Odier's
23 illegal conduct and establish that Lombard Odier is intentionally violating its
24 contractual and fiduciary responsibilities to Petitioner. The requested discovery is
25 also relevant to specifically identify those within Lombard Odier who are responsible
26 for such conduct, ascertain the scope of damages due to Petitioner, and to overcome
27 any contractual limitation of liability defense that Lombard Odier may raise. Finally,
28 all the discretionary factors that this Court may consider likewise favor granting this

1 *ex parte* application. See *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241,
2 264-65 (2004) (describing discretionary factors).

3 The Court may consider this Application in an *ex parte* basis because AB will
4 be able to object to this discovery at a later time.

5 For these reasons, Petitioner respectfully asks that the Court (a) grant the *Ex*
6 *Parte* Application for an Order to Conduct Discovery in a Foreign Proceeding; (b)
7 enter the Proposed Order attached to this Application as Exhibit A, (c) grant
8 Petitioner leave, pursuant to 28 U.S.C. § 1782, to serve the subpoenas attached to this
9 Application as Exhibits B(1) and B(2); and (d) grant any and all other further relief
10 to Petitioner as deemed just and proper.

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12 Respectfully submitted,

13 Dated: August 29, 2024

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